

TWO INDICTED AFTER HEARING ON BARRI DEATH

Joe Cohen, Chief of Chicken Handlers, and Brother Held in \$25,000 Each.

CHARGE IS ASSAULT IN THE FIRST DEGREE

Joe Cohen, big chief of the chicken handlers employed by poultry dealers in West Washington Market, where Barnett Barr was killed on November 24, and Jake, his younger brother, were indicted to the Grand Jury yesterday on a charge of assault in the first degree, and the indictment of their remaining within the jurisdiction of the court while the Barr murder is being investigated was considered so great that they were each held in \$25,000 bail.

The complaint against them is Arthur T. Pearson, a representative of Western poultry shippers, who was a close personal and business friend of Barr. Pearson was assaulted in West Washington Market on the night of September 11, and James Moore, a chicken handler, is now under arrest for that crime. Moore and Pearson were among the witnesses who testified before the Grand Jury yesterday.

It was made plain that the indictment of the Cohen brothers grew out of the investigation of the Barr murder. The Grand Jury began its investigation of that case yesterday and within an hour after the members were hastily summoned to the Criminal Courts Building their preliminary inquest had reached the stage where indictments could be found. James Moore gave the evidence which clinched the findings, and it was intimated that he has told little of the story which he would unfold during the coming sessions of the Grand Jury.

Arrests Follow Quickly.

Moore was arrested Wednesday and long after he was taken into custody the police had Joe Rosenstien, Isidore Finksky and David Klotz. All of these men are chicken handlers. Moore and Rosenstien were arrested on warrants charging assault and obtaining money on a forced check respectively. The charge against Rosenstien was a notorious one. He and Finksky were questioned for hours and then held as material witnesses. All these four men had given information of importance was evidenced in the vicinity of Barr's home, 145 West 10th street, on the night of the murder. Moore and Rosenstien's office all day Thursday and Friday.

At 5 o'clock yesterday morning Detectives L. H. Haver, Birmingham, No. 100, and Fred Jones, No. 100, of the office of Joe Cohen at 145 West 10th street, Brooklyn, and invited him and his brothers, Harry and Jake, to Police Headquarters. At about the same time Detectives M. J. Ryan and Hem-ling of the Seventh Precinct went to 224 Throop avenue, Williamsburg, and arrested Benjamin Lewis, brother of Joe Lewis, a notorious chicken handler and himself a recent sojourner in Sing Sing. Benjamin is a chicken "puller" and went to work for Joe Cohen shortly before the murder of Barr.

Harry Cohen, who was arrested two weeks ago and released on bail on an assault charge, and Lewis were not taken before the Grand Jury. It was largely on what they told the police and the District Attorney's office that the Grand Jury room were based. Acting District Attorney Delahanty refused to say that Harry Cohen and Lewis were guilty, but he did say there were two men in custody in addition to Moore, Rosenstien, Switsky and Klotz, who were being held on charges of assault on Harry Cohen and Lewis are the men in support of this it was mentioned that Harry Cohen has not been on good terms with his brothers Joe and Jake.

Plead Not Guilty.

Joe and Jake were detained at the Criminal Courts Building until the indictments had been returned against them. They were then arraigned before Judge Malone in the Court of General Sessions and pleaded not guilty. Joe said he had means for employing counsel and Judge Malone said he would hold them under \$25,000 bail for their appearance on Monday. It came to fixing the amount of bail \$25,000.

"At the present time the Grand Jury is investigating the murder of Barnett Barr and it is of great importance to the public that these men be held in such bail so that they will remain within the jurisdiction of the court until that investigation is completed. I therefore ask that bail be fixed in the sum of \$25,000 each." Judge Malone said he agreed that the matter was one of such importance as to justify exceptionally high bail and fixed the amount accordingly. Joe and Jake were taken to the Tombs immediately.

Acting District Attorney Delahanty outlined the reasons for the action taken yesterday. Pearson was assaulted on September 11 and Moore is alleged to have been the man who had the assault. Pearson was induced by others to assault Moore and that the assault was arranged as the result of a business rivalry. Mr. Delahanty asserted the inspiration for the assault on Pearson was the same as that which led to the shooting of Barr and that the two cases were exactly similar, except that the attack on Barr resulted in his death.

"Satisfy will not be a witness before the Grand Jury nor will Klotz. About fifty subpoenas were issued last night for others who will be witnesses. Mr. Delahanty said that since the arrest of Joe Cohen and his brothers he was getting information half hourly from persons who have not heretofore been mentioned in the case. The Grand Jury will resume its investigation Monday, and it will take two or three days to present the evidence which those subpoenaed are believed to have.

MAYOR HEARS 'BUS' PLAINTS.

Council for Companies Object to New Route Conditions.

Neither the Fifth Avenue Coach Company, which now operates the only omnibuses in this city, nor the People's Five Cent Coach Company, backed by Five Cent Trolley, likes the conditions imposed by the Board of Estimate for new routes as recommended by the Board of Estimate's franchise bureau. Their complaints were heard by Mayor Mitchell, George McAneny, President of the Board of Aldermen, and George Matthews, President of the Board of Estimate, at a public hearing held at the Board of Estimate, at the City Hall yesterday.

Alfred J. Talley, for the five cent company, wanted a \$10,000 check for the expense of good faith. But he said that the proposed contract "had been approved by the council of the Fifth Avenue Coach Company. It could not have any more effective in warding off litigation." Talley said also that the Fifth Avenue Coach Company, which operates the sole elevated lines, and the Fifth Cent Coach Company have the same franchise. He said that the new routes will be put on December 22 at 2:30 P. M.

Girl Widow Tells of Love for Husband; Unwritten Law Stands Out as the Motive



Mrs. Anna Cleary, the widow of William Cleary.

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time to think, and she left me alone till after the evening meal. Then suddenly shouting Cleary said: "All I wanted to go away—go west—away—I told her we'd go to Chicago."

A breathless silence hung over the court room at sight of the man's apparent agony. Mrs. Cleary sobbed in her handkerchief. After a long pause Cleary resumed:

"From the time I left the house that night I haven't seen my daughter until today. I left home in a house coat with no underclothes, no money and wandered through many streets. I was incapable of thought or resolve. I didn't know what to do. My thoughts all ran together on me. I wanted diversion—couldn't go home—girl—can't tell what I felt—went everywhere."

Ask what he recalled of the occurrences after Newman entered his office, Cleary shouted: "It's all an apparition. I can't remember it. I did see, but remember nothing—not in the least."

"Do you have any recollection of shooting Eugene Newman?"

"Oh! My God, no," said Cleary.

"This situation was undeniably tense. Mrs. Cleary was crying again and District Attorney Gagan himself said, 'I don't know what a handkerchief. Cleary said he didn't know until after the shooting that his daughter and Newman were married.'"

"Had you any intention of taking his life?"

"No," cried Cleary.

"Had you ever thought of it?"

"No," more loudly and hoarsely than before.

On cross-examination Cleary said he did not recognize the gun shown him as one that had ever been in his hand. The proceedings before the Magistrate after the shooting he could remember vaguely, but no questions put to him or answered by him at that time.

Anna's Mother Testifies.

Mrs. Cleary, the former Town Clerk's wife, testified to having two children, Anna, who was 20 last July, and Aron, 15 years old. She knew, she said, in 1911 of an attachment between Eugene Newman and Anna and disapproved of it, as did her husband, whose dramatic tense testimony she corroborated in every detail. They moved to New York, she said, to get Anna away from Newman.

"He called once during the first month we lived in New York," she went on, "and I told her we disapproved of the attachment. He did not come again. Late in July Anna was taken ill. We called Dr. Schultz when she continued to be sick. Anna went to bed on Monday. Her father stayed in two days to take care of her on Wednesday Dr. Schultz came to see her three times."

"At 4 o'clock that afternoon he came from her room and asked us if we could sustain a shock and then he told us Anna ought to be married. I asked him if she had named the person, and when he came again from her room he said, 'It was John Newman.'"

"You don't mean Eugene Newman, do you?" I asked, and he said, "That may be the name."

"Yes," I pleaded then to break up our home and leave New York. Mr. Cleary was speechless at first. I made him talk and he only thought of getting away from the disagreeable situation."

"I wrote that night to my sister in Chicago and asked her to get board for us. Mr. Cleary left the house that night and the next morning he was coming in the street. He went out to mail the letter. He said, 'Don't worry, I'll be back,' but he didn't come back that night. He telephoned to me and asked me to send him a communication book by a messenger he would send for it. I knew he wasn't himself by his voice over the telephone."

Schultz came at 9 o'clock that morning and told me Newman had come to him the night before and told him they had been married.

Didn't Tell Him, She Says.

"Mr. Cleary called me on the telephone about 1 o'clock from Haverstraw. His voice was very modified. He asked me, 'How Anna was, and I said, 'Very very ill.' He said, 'I'm in Haverstraw and am all right. I'll be home for dinner. I did not tell him when what Dr. Schultz said about Anna's being married. I didn't want to talk about it over the phone. I urged him to be sure and come home. Up to the time Dr. Schultz told me that morning I knew nothing of Anna's marriage. I know nothing of it. Yes, my husband was particularly fond of Anna. She was his favorite child.'"

Called Newman on the telephone on July 23 at his mother's house in New York to ask him about Anna's condition, but he wouldn't talk. I had not then seen Dr. Schultz. I told him Mr. Cleary was going to Haverstraw. From Haverstraw later that day Newman asked me where Mr. Cleary was and I told him at the Town Hall."

On cross-examination by ex-Congressman Henry Bacon, Mrs. Cleary said: "No, I did not talk with Anna about Newman after Dr. Schultz told me where the marriage; she was too sick. I did talk with Newman's mother, but I didn't know at the time Anna was married."

Just at the end of her examination only a moment before the girl herself was to appear, the question came as to when Cleary had last seen his daughter. The silence in the court room was profound as the mother said:

"She has never seen her father since the night he left home, not once. She wanted to come several times, but he didn't want her to. He didn't want either child to see him where he was."

Newman's Character Not Spared.

That Cleary's lawyers rely on the "unwritten law" and "temporary insanity" to free the former Town Clerk of Haverstraw—both of which pleas were emphasized in his counsel's opening address

RICHMOND'S VESTRY REBUKES THE BISHOP

"I Sleep Better When I Fight," Says Rector in Denouncing Dr. Rhinelander.

CLASH RESULTS IN ARREST

PHILADELPHIA, Dec. 18.—Bishop Rhinelander of the diocese of Pennsylvania was "rebuked" by the vestry of the Rev. George Chalmers Richmond's church to-night for his failure to extend a blessing to the church. Resolutions were passed after a sensational address by the rector in which he declared: "I am a fighter, my father was a fighter and my grandfather was a fighter, and I sleep better when I have a fight on my hands."

"Men call me sensational," continued Dr. Richmond in explanation of his recent utterances in reply to the presentments against him for trial before the ecclesiastical court, "but wait until Billy Sunday comes. Sunday means business, we do not; the church is only temporizing. In order to preach the gospel one must be a fighter."

"My ancestors came from Scotland, the home of good live preaching and good whiskey. To fight comes natural to me. I am with the man that is oppressed and I do not care who I damn in my process. My support is with the men that are wronged. You cannot always trust bishops because they look goodly."

"The laws of evolution say that you cannot progress unless you have trouble. There must always be an itch for some to scratch and irritate to bring action. That is the condition in the church. I believe with Dr. Parrington that if Christ were to come to Philadelphia there is not a home in the city where he would be welcome more than a work. We are afraid of Christ and His teachings. Everything is business here. We cannot have a bishop even unless he gets \$10,000 a year salary and has a handsome house to live in. In the old days no one was turned out of the church as long as he could preach the gospel. I have a heroic conception of the ministry."

After a hearing before a magistrate today the rival friends of the Rev. Mr. Richmond and William Hamilton, one of his vestrymen whom he had arrested on the charge of "anarchy," clashed in the corridor of City Hall and one of the young friends of the accused vestryman was arrested for his part in the disturbance.

"If I had the chance I would give him a damned good licking," the prisoner, Joseph Comery, was arraigned later by the same magistrate and allowed to sign his own bail bond.

At the hearing in which Hamilton was acquitted of the charge of destroying a bulletin posted in Dr. Richmond's church by the rector himself, the coroner and the police contained the names of Hamilton's two sisters and others whom the rector accused of being guilty of schism and stirring up strife in the church in addition to being arrested in their duties as members of the church club.

Immediately after this hearing Dr. Richmond dashed down the corridor outside the court room crying "Bully! Bully!" At the elevator entrance he came up with Comery and excitedly demanded his arrest. While a crowd surrounded him and shouted.

A policeman arrived and took the young man in charge. Dr. Richmond and the crowd following him to the court room again.

Magistrate Discharges Mme. Andre and Others—Injured Persons May Sue.

RAMPAGING OF LIONS NOT COVERED BY LAW

Magistrate Discharges Mme. Andre and Others—Injured Persons May Sue.

Mme. Andre, the exhibitor of the six lions which escaped from their cage in the Eighty-sixth Street Theatre Thursday afternoon, was discharged when she was arraigned before Magistrate Barron in the Harlem court yesterday.

She was charged with the escape of the animals and injured in the rush to escape from the theatre had good cause for civil suit.

Mme. Andre became angry when it was intimated by Policeman Cahill that the lions were dangerous.

"All so tame they are; gentle, like kittens, your Honor," she said. "The audience was frightened, but the lions, they were positively scared."

"Tame," said Cahill. "Then why didn't you go out into the lobby and get them after the crowd had gone. Instead, you wanted me to go out and drag them in."

Sergeant Glenn, who was wounded in the back during the target practice in which the lions indulged before killing Alice, the lion that reached the street, was reported to be resting comfortably in Flower Hospital yesterday. The wound was a superficial one, the bullet lodging in the muscles of his back. It will not be removed.

Fall River Line

\$3.00

New York

to Boston

Thousands of people in New York are idle because we cannot get ships for our exports.

Yet a great fleet of ships is tied up in the North River because of our antiquated international laws.

Roger W. Babson will tell in next Monday's MORNING SUN how the newly appointed "Neutrality Commission" plans to solve the problem.

ORDER YOUR PAPER TO-DAY

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LAWYER'S FEE NEW UNION BANK TANGLE. DREAM OF LOSS PROVES TRUE. H. L. Whaley, Who Figured in Two Noted Cases, Arrested. Harry L. Whaley, who once went to the Tombs for raising a city warrant from \$2 to \$35,000 and then got out by explaining it away as a joke, was arrested last night by Detective John Maddock on a charge of grand larceny. Mrs. Edith Schneider, whose husband, Lionel C. Schneider, is said to be a former quartermaster in the navy, accused him of stealing ten pawn tickets representing \$1,500 in jewelry. Whaley, who is 65, lived with his sister at a boarding house at 236 West Ninety-fifth street, where Mrs. Schneider also has had a room since she came from Washington seven months ago. Two nights ago while at a wealthy home in West Brighton, Staten Island, where she was employed as a governess, she dreamed her property was stolen and returned to her room to find it ransacked and ten pawn tickets and some pieces of jewelry taken from her trunk. Maddock went to the President Loan Society where Mrs. Schneider had pawned her jewelry, got a description of the man who had redeemed it, and then arrested Whaley, who is said to have repawned the articles. He is the same man who served on the first jury which tried Police Sergeant Peter J. Duffy and held out for the latter's acquittal. Duffy was convicted on the second trial.

THE SEAGOERS. Sailing to-day by the Royal Mail Line Essequibo for London by way of the West Indies. Miss Ruth Allison, Guy M. Howland, James S. Carlson, Mrs. Tennant Lee, Mrs. Ida Ems Carter, W. A. Thurston, Charles B. H. Carter, W. A. Thurston, John W. Curtis, E. R. Warner, For Liverpool by the American Line. New York, J. Z. Bayl, C. A. Hitchcock, Graham Buckley, C. D. Melville, Mrs. H. C. Carpenter, Munson G. Shaw, R. A. Colvin, B. D. Woodward.

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